

ORIGINAL

# FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of: ) WT Docket No.: 96-41  
)  
)  
LIBERTY CABLE CO., INC., ) File Nos.:  
for Private Operational ) 70877 WNTT370  
Fixed Microwave Service ) 708778, 713296 WNTM210  
Authorization and ) 708779 WNTM385  
Modifications ) 708780 WNTT555  
) 708781, 709426, 711937 WNTM212  
New York, New York ) 709332 (New)  
) 712203 WNTW782  
) 712218 WNTY584  
) 712219 WNTY605  
) 713295 WNTX889  
) 713300 (New)  
) 717325 (New)

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*Anna A. Brundage*

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## HERITAGE REPORTING CORPORATION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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	)	713295		WNTX889
	)	713300		(New)
	)	717325		(New)

Courtroom 2  
FCC Building  
2000 L Street, N.W.  
Washington, D.C.

Monday  
January 27, 1997

The parties met, pursuant to notice of the Judge,  
at 9:36 a.m.

BEFORE: HON. RICHARD L. SIPPEL  
Administrative Law Judge

APPEARANCES:

On Behalf of Liberty Cable Company, Inc.:

ROBERT L. BEGLEITER, ESQ.  
ELIOT L. SPITZER, ESQ.  
YANG CHEN, ESQ.  
Constantine & Partners  
909 Third Avenue  
New York, New York 10022  
(212) 350-2707

Heritage Reporting Corporation  
(202) 628-4888

## APPEARANCES CONTINUED:

On Behalf of Liberty Cable Company, Inc.:

ROBERT L. PETTIT, ESQ.  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 429-7019

On Behalf of Cablevision of New York, Phase I:

CHRISTOPHER A. HOLT, ESQ.  
Minutz, Levin, Cohn, Ferris, Glovsky, and  
Popeo, P.C.  
701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 434-7300

On Behalf of Time Warner Cable and  
Paragon Cable Manhattan Cablevision:

R. BRUCE BECKNER, ESQ.  
DEBRA A. MCGUIRE, ESQ.  
Fleischman and Walsh, P.C.  
1400 Sixteenth Street, N.W.  
Washington, D.C. 20036  
(202) 939-7913

On Behalf of the FCC Wireless Telecommunications  
Bureau:

JOSEPH PAUL WEBER, ESQ.  
MARK L. KEAM, ESQ.  
KATHERINE C. POWER, ESQ.  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D.C. 20554  
(202) 418-1317

## FEDERAL COMMUNICATIONS COMMISSION

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Edward Milstein					
By Mr. Begleiter	1613		1678		
By Mr. Beckner		1627			
By Mr. Holt		1645			
By Mr. Weber		1674			
Anthony Ontiveros					
By Mr. Begleiter	1684				
By Mr. Beckner		1708			
By Mr. Holt		1730			
By Mr. Weber		1771			

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>TW/CV:</u>			
42	1606	1611	
43	1612	1612	

Hearing Began: 9:36 a.m.      Hearing Ended: 3:45 p.m.  
 Recess Began: 11:30 a.m.      Recess Ended: 12:45 p.m.

P R O C E E D I N G S

9:36 a.m.

JUDGE SIPPEL: Good morning.

ALL: Good morning.

JUDGE SIPPEL: Be seated. Let us go on the record. Has everybody given their appearances to the court reporter? Yeah, you've got them all. All right, we're ready to proceed. Are there any preliminary matters?

MR. SPITZER: Yes, Your Honor. Two things. First we have distributed to counsel per your order the redacted version of the January 11, 1995 Memorandum with Bates numbers 17975 and 17976. Then also, and we will produce this as soon as the copying is done in our continuing effort just to make sure we haven't missed anything.

We did find another stack of documents, most of which had been tucked away in storage for, you know, since whenever they were sent to storage a while back. Some of which were in Mr. Ontiveros' office, so we -- we will be producing the Bates numbers, I think.

I'll verify this when they actually get here. 17573 to 17976. And I can represent obviously counsel will form their own determination, but this is really -- 17573 through 17974. Either 17975 -- this document. But these are really documents that are technically responsive. They are documents 95% of which are incident reports if there was

1 an outage at a building which is on the HDO list for  
2 documents that relate to the construction process. And then  
3 to the extent there are any documents relevant in the sense  
4 that the issues that have been discussed in this hearing are  
5 referred to in the documents.

6 They are copies of documents that have already  
7 been produced.

8 JUDGE SIPPEL: Oh and -- and these were --

9 MR. SPITZER: Found --

10 JUDGE SIPPEL: These were in a storage area?

11 MR. SPITZER: Most of them were in storage in, I  
12 think two different buildings. Two different buildings  
13 where they had been sent and Mr. Ontiveros mentioned that  
14 they had sent some documents up to storage. We realized  
15 that those had never been recalled. And so we went through  
16 those over the weekend. Some of them had been in a foreign  
17 file in Mr. Ontiveros' office that was, you know, just  
18 simply never swept in to the production.

19 MR. BEGLEITER: And some weren't even in a file,  
20 they were in a pile.

21 MR. SPITZER: In a pile, right. It had just not  
22 been, you know, filed properly or at all.

23 JUDGE SIPPEL: Or at all.

24 MR. SPITZER: That's correct, sir.

25 JUDGE SIPPEL: Oh.

1 MR. SPITZER: And again, counsel will go through  
2 them and may choose to differ about relevance and  
3 materiality, but I I think it's a fair assessment that  
4 there's nothing new there.

5 JUDGE SIPPEL: Well, I hate to ask the question if  
6 that's everything, but --

7 MR. SPITZER: I hate to answer it.

8 JUDGE SIPPEL: You hate to answer it.

9 MR. BEGLEITER: If Mr. Chen was here he'd say  
10 "He's now gone to the bowels of liberty".

11 MR. SPITZER: We hope so Judge.

12 JUDGE SIPPEL: But is that as far as we need to  
13 go? That's -- (Laughter). Mr. Beckner?

14 MR. BECKNER: I don't have anything, Your Honor.  
15 I'll be anxious to look through documents.

16 JUDGE SIPPEL: Mr. Holt?

17 MR. HOLT: Your Honor I have two documents that  
18 I'd like to have marked for identification and offered into  
19 evidence. The first is a -- four page document that was  
20 part of a series that was produced to us, I guess two weeks  
21 ago or would it have been a week ago in the most recent  
22 production.

23 It's -- and there's a second document that's a  
24 public record document that is part of the series of STA  
25 requests that was part -- that was filed as part of a series

1 of STA requests related to 2727 Palisades. I neglected to  
2 include it in the -- the materials that I moved into  
3 evidence last week. Can I?

4 JUDGE SIPPEL: The last exhibit that we have I  
5 believe is 41. Isn't that right? That's a transcript.  
6 This would be TW -- this would be a TWVC. TWCV exhibit I'm  
7 sorry.

8 MR. HOLT: TWCV Exhibit 42. And I can formally  
9 identify that as a -- four page document. It begins with a  
10 transmit confirmation report dated May 18, 1995 and proceeds  
11 to the fourth page which is a, looks like a list of certain  
12 of the pending application paths. Pending paths that had  
13 applications at the time. Bearing the Bates Numbers 017506  
14 through 017509. If I could approach, Your Honor?

15 JUDGE SIPPEL: Do you have copies for the other  
16 counsel?

17 MR. HOLT: Yeah, I can distribute copies.

18 JUDGE SIPPEL: All right.

19 MR. HOLT: I'm providing a copy the Court  
20 Reporter, actually two copies. One for Liberty's Counsel  
21 and one for Your Honor.

22 JUDGE SIPPEL: Thank you.

23 MR. HOLT: You're of counsel.

24 JUDGE SIPPEL: Now this is dated May 18, 1995 and  
25 it's from Mr. Lehmkuhl to Mr. Nourain. Is that right?



1 MR. BEGLEITER: Yes, Your Honor.

2 JUDGE SIPPEL: Okay. How did you describe it?

3 You say that it's a -- it's a confirming report of some  
4 kind?

5 MR. HOLT: Well, it begins with -- I was just  
6 identifying it as a -- as a document that begins with a  
7 transmit confirmation report. But, it -- it is a memorandum  
8 that was sent to Mr. Nourain by Mr. Lehmkuhl. Judging by  
9 the transcript confirmation report it was received by Mr.  
10 Nourain on May 18, 1995.

11 JUDGE SIPPEL: All right. Is there any objection  
12 to it -- the Reporter will mark that document at this point  
13 for identification as Time Warner Cablevision or TWCV number  
14 42 for identification. Is there any objection to its  
15 receipt into evidence?

16 (The document referred to was  
17 marked for identification as  
18 TWCV Exhibit No. 42.)

19 MR. BEGLEITER: Yes, Your Honor, I'd like a  
20 proffer. I don't see the relevance of this -- of this at  
21 this point in this hearing.

22 MR. HOLT: Your Honor, this was part of the late  
23 produced series of documents. I could - I'd be happy to  
24 call, recall the witnesses or ask Your Honor the need to  
25 recall the witnesses.

1 JUDGE SIPPEL: Wait wait -- no no no no no no wait  
2 a minute. He's asking for a proffer.

3 MR. HOLT: Right.

4 JUDGE SIPPEL: He's not asking -- do we need -- is  
5 Mr. Milstein in the courtroom?

6 MR. BEGLEITER: Yes, he is.

7 JUDGE SIPPEL: Is this something that may come up  
8 in the context of Mr. Milstein's testimony?

9 MR. BEGLEITER: Not in the context of Mr.  
10 Milstein's examination.

11 JUDGE SIPPEL: All right. Now just -- just tell  
12 us what is it, what's the relevance of this?

13 MR. HOLT: This document was transmitted to Mr.  
14 Nourain by Mr. Lehmkuhl during the period that Liberty was  
15 filing its STA requests for 2727 Palisades and also the  
16 period that they were filing a surreply with the Commission  
17 on May 17th. And it relates to 2727 Palisades and I intend  
18 to make an argument, if Your Honor deems it necessary, I can  
19 relate to you the argument I intend to make from the  
20 document, but I prefer not to do that.

21 JUDGE SIPPEL: Well, I don't think you need to do  
22 that. But you're saying that the relevancy is that it's  
23 close in time to the -- it's close in time to the surreply?

24 MR. HOLT: It was -- it was actually appears that  
25 it was transmitted between the time of the surreply and the

1 time of the actual filing of the STA request for 2727  
2 Palisades.

3 JUDGE SIPPEL: Yeah, I guess Mr. Spitzer is saying  
4 so what?

5 MR. BEGLEITER: Your Honor -- Your Honor will  
6 recall the surreply mentions 2727 Palisades as one of the  
7 buildings that was -- that was activating without  
8 authorization and we already know the STA's events and we  
9 know when the STAs were filed. What is this -- how does  
10 this add to the -- how does this move the ball forward to  
11 use a metaphor from last night?

12 JUDGE SIPPEL: All right.

13 MR. HOLT: Your Honor --

14 JUDGE SIPPEL: Let's -- let's hear it then from  
15 you, Mr. Holt.

16 MR. HOLT: Your Honor, if you turn to page three  
17 of the -- the Exhibit marked for identification, you'll see  
18 that in the second paragraph is a reference to the fact that  
19 no petitions had yet been filed to deny the paths that were  
20 identified on page four, which includes 2727 Palisades.  
21 This -- it appears as though this memorandum was transmitted  
22 to Mr. Nourain immediately before the STA requests were  
23 filed with the Commission in which no disclosure was made  
24 that 2727 Palisades had commenced operating.

25 Which was after the time that Liberty knew that

1 fact as reflected in this May 17th surreply. So essentially  
2 you've got a memorandum going from Mr. Lehmkuhl to Mr.  
3 Nourain telling Mr. Nourain that it looks like these paths  
4 may be in the clear and then filing an STA request --  
5 request that does not disclose the fact that 2727 Palisades  
6 was already in operation.

7 MR. BEGLEITER: But that was disclosed the day  
8 before.

9 JUDGE SIPPEL: That's what I understand without  
10 parsing it through, I understand from the representation of  
11 Liberty's counsel that it was in fact disclosed -- in the  
12 surreply.

13 MR. HOLT: It was -- it was stated -- 2727  
14 Palisades was identified as one of the paths in the  
15 surreply. But it was not disclosed in the STA request that  
16 was filed after the surreply. And I intend to make an  
17 argument about the absence of that disclosure.

18 JUDGE SIPPEL: What was the date of the STA?

19 MR. HOLT: May 19th.

20 MR. SPITZER: I would only say that it appears to  
21 me and he obviously Mr. Holt is free to make the argument if  
22 he wishes to, but the relevant facts that he needs to make  
23 his argument are already in the record.

24 The sense that he -- he isn't contesting that it  
25 was disclosed on the 17th. We're not claiming that it was

1 disclosed in the STA so I still don't see how this document  
2 since this is just a relevance issue about this document,  
3 how this document bears upon the argument he wishes to make?

4 JUDGE SIPPEL: All right. Well, okay. All right.  
5 Now I've heard enough there. Now how about -- what's the  
6 Bureau's position on this?

7 MR. WEBER: Well, I -- I guess we have to agree  
8 with -- with Liberty that the facts are already there if  
9 Cablevision needs to make the argument that -- that the --  
10 that Liberty was aware that 2727 Palisades was operating at  
11 the time it filed its STA and that they did not disclose it  
12 in the STA.

13 That the fact the surreply, which was filed before  
14 this particular memo does disclose it, so we do know that  
15 Liberty was aware that 2727 Palisades was operating and then  
16 af -- the day after this memo they filed the STA and there's  
17 no disclosure. I mean the fact's already in evidence.  
18 Although I don't see any harm of this document being  
19 admitted. It just -- I think the argument -- Cablevision  
20 can make its argument without this document.

21 JUDGE SIPPEL: Well, there's been so much evidence  
22 in this case or -- or maybe more argument than evidence in  
23 this case that, you know, that that things were being done  
24 by Liberty and filed by Liberty without knowledge and Mr.  
25 Lehmkuhl's information seems to pop up from time to time.

1 I -- without ascribing any -- any weight to it at  
2 this time, I think it's in -- it's -- it's maybe to follow  
3 up on Mr. Begleiter's analogy here, it's close enough to  
4 being in the ballpark to bring it in. It's a small  
5 document. It's not going to encumber the record.

6 And Mr. Holt I don't want to inhibit your ability  
7 to argue your case as you see fit. So I'm going to -- I'm  
8 going to overrule the objection and receive it into evidence  
9 without ascribing any weight to it at this time.

10 (The document referred to,  
11 previously identified as TWCV  
12 Exhibit No. 42, was received  
13 in evidence.)

14 JUDGE SIPPEL: Okay, that's 42. Now that's --  
15 yeah, that's what's been received into evidence then, is  
16 TWCV Number 42. And you say you have another document?

17 MR. HOLT: Yes, Your Honor. The second document  
18 is a seven page document that was a request for STA by  
19 Liberty on July 24, 1995 that relates to the same series  
20 of -- of amendments and applications that were filed in  
21 connection with 2727 Palisades. You admitted documentation  
22 of those into evidence last week. And I neglected to offer  
23 this at that time. I will supply a copy to the Court  
24 Reporter -- two copies to the Court Reporter, a copy to  
25 counsel for Liberty and other counsel in the case.

1 JUDGE SIPPEL: All right. I'm going to instruct  
2 the Reporter to mark this as you've described it as TWCV  
3 Exhibit Number 43 for identification. And you have a motion  
4 then to receive it into evidence. Is there any objection to  
5 the motion?

6 MR. BEGLEITER: No, Your Honor.

7 JUDGE SIPPEL: Mr. Weber?

8 MR. BEGLEITER: Although again, I'll make a  
9 comment that it is redundant and there's an STA of July 12th  
10 that's in. But I really have no objection.

11 JUDGE SIPPEL: All right. Thank you. Mr. Weber?

12 MR. WEBER: No objection.

13 JUDGE SIPPEL: Then it's received into evidence as  
14 TWCV's Number 43. Does that conclude your preliminary  
15 matters then, Mr. Holt?

16 (The document referred to was  
17 marked for identification as  
18 TWCV Exhibit No. 43 and  
19 received in evidence.)

20 MR. HOLT: Yes it does, Your Honor. Thank you.

21 JUDGE SIPPEL: Mr. Weber, do you have anything?  
22 The Bureau have anything?

23 MR. WEBER: No Your Honor.

24 JUDGE SIPPEL: Okay then we can proceed with the -  
25 - you may call your next witness, please.

1 MR. BEGLEITER: Liberty calls Mr. Edward Milstein.  
2 Whereupon,

3 EDWARD MILSTEIN

4 having been first duly sworn, was called as a  
5 witness herein and was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BEGLEITER:

8 Q Good morning, Mr. Milstein.

9 A Good morning.

10 Q For the record, could you give your full name?

11 A Edward Lawrence Milstein.

12 Q And could you give home and business address  
13 please?

14 A My home address is 101 Central Park West, New  
15 York, New York. And my business address is 575 Madison  
16 Avenue, 3rd floor.

17 Q Sir, could you tell us what your education was  
18 please?

19 A I dropped out of high school and went to work  
20 directly into the family business. I then completed an  
21 equivalency degree and did two years at night school at NYU  
22 in Business School.

23 Q Sir, do you have an ownership interest in -- in  
24 what was then Liberty, and is now Bartholdi?

25 A Yes, I own 33% of Liberty. My cousin Phillip owns



1 33% and my brother owns 34%.

2 Q In the period 1994 through early 1995, let's say  
3 through April or May, did you have other business interests  
4 in which you participated in management?

5 A Yes. I was involved in the management business of  
6 Douglas Elleman. My family's real estate management  
7 company, called Milford Management. An insurance brokerage  
8 operation, which I was running for the real estate business  
9 at Douglas Elleman, which did property and casualty and  
10 directors and officers liability insurance. And I'm a  
11 Director of Immigrant Savings Bank.

12 Q Okay. Sir, in the period 1994 through April or  
13 May of 1995, tell me about how many hours you would work a  
14 week?

15 A Between 35 and 45 hours a week.

16 Q Of those 35 to 40 hours a week, how many of those,  
17 what percentage of that time was spent on Liberty matters?

18 A Between three and six hours a week.

19 Q And tell me how that time was spent?

20 A Well, on average we would have a staff meeting  
21 once a week that lasted between an hour and two and a half  
22 hours. Also we were in -- I was working on a special  
23 project for NYNEX which would take at least an hour and a  
24 half to four hours a week. And -- and then there was just  
25 general marketing where I was working with builders in order

1 to try to convince them to allow us to deliver service to  
2 their buildings.

3 Q And can without being repetitive what your role --  
4 how you saw your role at Liberty in this same period of '94  
5 to early '95?

6 A Well, I mean really mostly supervisory relative to  
7 the staff meetings. My brother really ran the company. I  
8 would assist him. When I disagreed with him, I would let  
9 him know. And I also worked on the marketing and any  
10 special projects we had.

11 Q Okay. And as between you and your brother, who  
12 took the lead in managing property?

13 A My brother leads in all the businesses we're  
14 involved with together. And I assist him. And when I  
15 disagree with him, I let him know and hopefully he changes  
16 what he's going to do.

17 Q Sir, prior to May 1995 were you aware that the FCC  
18 authorization was necessary in order for Liberty to transmit  
19 along the microwave path?

20 A Yes, I was always aware.

21 Q How -- how'd, you know, that?

22 A Because originally when we were given the  
23 authority by the FCC and we started filing for paths, I know  
24 that Peter Price had to go to Washington in order to get the  
25 first paths because there seemed to have been a delay at the

1 time. And from that point on, we always knew we needed the  
2 licenses.

3 Q So during this entire period, from '94 to '95 you  
4 were aware that some sort of authorization was --

5 A Absolutely.

6 Q Now did you have any -- have you ever had any  
7 involvement with licensing of Liberty for these paths?

8 A No.

9 Q Did you ever have oversight within the company in  
10 Liberty's process of getting a license?

11 A No.

12 Q Did you ever review a license?

13 A I may have seen one, but no I was never a part of  
14 that process.

15 Q Did you ever review a license before it was  
16 submitted to -- filed with the FCC?

17 A No.

18 Q Did you ever review an STA before it was filed?

19 A No.

20 Q Do, you know, what an STA is?

21 A Special temporary authority.

22 Q Did you ever to your knowledge provide information  
23 that appeared in an STA or a -- in an STA?

24 A No.

25 Q Did you ever have any information that appeared in

1 an FC -- in a license that was filed with the FCC?

2 A No.

3 Q Was licensing in this '94 - '95 period, early '95,  
4 was licensing an issue that you would generally pay  
5 attention to?

6 A No.

7 Q Why was that?

8 A It wasn't something that came up as a -- as a  
9 matter of course at the time. It was handled -- being  
10 handled, you know, through Peter Price and our assumption  
11 was that these things were all getting done as part of a  
12 process. And, you know, -- it was not part of one of our  
13 discussions other than, you know, did we have a license  
14 that, you know, that could turn on a building.

15 And if it got asked it was usually answered.

16 Q Who at Liberty was primarily responsible for  
17 securing licenses? In your view.

18 A Peter was in charge and some of our other people,  
19 I guess Behrooz and possibly Tony. And of course we had a  
20 law firm in Washington, Pepper & Corazzini that was handling  
21 it.

22 Q Did you keep track of the progress of license  
23 applications?

24 A No.

25 Q Did you keep track of the progress of STA

1 applications?

2 A No.

3 Q That you request. Do you know if anybody on your  
4 staff kept track of the -- of applications for licenses?

5 A I know now that they didn't. But they -- I -- at  
6 the time I assumed that they did.

7 Q Who did you expect was doing that?

8 A Peter and Behrooz.

9 Q And this would go both for STAs and for licenses?

10 A For anything affecting turning on a building.

11 Q Did you ever reconcile authorization to the FCC  
12 with activated paths?

13 A No.

14 Q Do you know if anybody on your staff ever did?

15 A No I --

16 Q In the 1994-95 period?

17 A I know that they didn't because of things that  
18 came out in our internal investigation. But I never -- at  
19 the time, no.

20 Q It was -- what was your state of mind -- what did  
21 you believe at the time?

22 A We assumed that at -- before anything was ever  
23 turned on, we always had a license.

24 Q Okay. Now did you believe for all the activated  
25 buildings that there were licenses or authorizations or some

1 other authorization?

2 A Absolutely. We would not have turned on buildings  
3 if we had thought that we did not have a license.

4 Q Now sir, did it come to your attention in 1995  
5 that Liberty's license applications were being delayed due  
6 to a technical problem?

7 A Yes.

8 Q Tell me what that technical problem was?

9 A I was told that there was a misfiling of  
10 information relative to something called an emission  
11 designator.

12 Q Now did you know in 199 what an emission  
13 designator was or is?

14 A No.

15 Q Do you know now what an emission designator is?

16 A No.

17 Q How did you -- how did you find out that there was  
18 an emission designator problem?

19 A I think Tony Ontiveros told me.

20 Q When did you find out?

21 A I think I found it out in a Liberty meeting.

22 Q One of the Thursday meetings?

23 A Yeah.

24 Q And what did you do when you found out?

25 A I asked him to get me something that told me what

1 the problem was and, you know, what the extent of it was.

2 Q And, in fact, did someone ultimately communicate  
3 to you as to what the problem was and the extent was?

4 A Yeah eventually I got a list from Behrooz.

5 Q How much between the time that you -- that you  
6 made your request and the time that you got the -- the paper  
7 -- the list from Behrooz?

8 A It was within a couple of days.

9 Q Am I coming through? Should I speak into this?  
10 Mind if I act like Oprah? Now when the information was  
11 communicated to you, what did you -- what if anything did  
12 you do with the information?

13 A I'm sure I gave it to Peter.

14 Q Did you form an impression when you received this  
15 information as to what the problem was?

16 A I don't recall at the time. But I've since read  
17 the document recently and it looks like it was just saying  
18 to me that these were the buildings that you had to -- we  
19 had to refile on that they had refiled and that the license  
20 would be coming reasonably soon.

21 Q Mr. Milstein, did you form the impression from  
22 communication from Mr. Nourain regarding the emission  
23 designator that Liberty was transmitting without  
24 authorization?

25 A No.

1 Q Now, sir, were you aware in 1995 that Time Warner  
2 had petitioned to deny some of Liberty's licenses?

3 A Yes.

4 Q Tell me when you learned of these petitions?

5 A At approximately the beginning of '95, either late  
6 '94 or early '95 while we were in the middle of a State  
7 Cable Commission set of hearings concerning hardwire  
8 connections of buildings. I was aware that we had made some  
9 filings where we had made hardwire connections in the event  
10 that we had lost the hearing with the State Cable  
11 Commission, we'd be able to hook them up by microwave.

12 So we had filed paths for those -- for those  
13 buildings and I knew at the time that they were disputing  
14 those paths.

15 Q Let's just be clear. These are buildings which  
16 were receiving service by hardwire?

17 A Correct.

18 Q And you were filing in case the State said you  
19 have to pull those -- the plugs on those hardwires?

20 A Correct.

21 Q Now, -- did you believe that the petitions of Time  
22 Warner were exclusively directed to those -- to those  
23 hardwire buildings?

24 A Yes.

25 MR. HOLT: Objection. Leading.



1 JUDGE SIPPEL: Well --

2 MR. BEGLEITER: At the time we thought that the --

3 JUDGE SIPPEL: Wait just a minute. Wait just a  
4 minute.

5 MR. BEGLEITER: I will withdraw the question, Your  
6 Honor.

7 JUDGE SIPPEL: All right.

8 BY MR. BEGLEITER:

9 Q At the time -- at the time tell me what -- what  
10 category of buildings did you believe Time Warner's  
11 petitions were directed towards?

12 A At the time, we thought that the only filings that  
13 were being made by Time Warner to -- for petition to deny  
14 was on licenses where we already had service and we had  
15 hardwire connections.

16 Q Sir, did you review the petitions yourself?

17 A No.

18 Q Did anybody just send you a copy of the petitions?

19 A Possibly. I got the copies of lots of things.

20 Q You never looked?

21 A It depends.

22 Q Do you recall ever having reviewed one of these  
23 documents?

24 A No.

25 Q Now did you know, in the period of January, let's